

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

CLARENCE E. RODRIGUEZ, M.D.

Holder of License No. 14409
For the Practice of Medicine
In the State of Arizona.

Case No. MD-04-1423A

**CONSENT AGREEMENT FOR
SURRENDER OF LICENSE**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Clarence E. Rodriguez, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement of any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

1 5. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver,
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other
4 pending or future investigation, action or proceeding. The acceptance of this Consent
5 Agreement does not preclude any other agency, subdivision or officer of this State from
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject
7 of this Consent Agreement.

8 6. All admissions made by Respondent are solely for final disposition of this
9 matter and any subsequent related administrative proceedings or civil litigation involving
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended
11 or made for any other use, such as in the context of another state or federal government
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
13 any other state or federal court.

14 7. Upon signing this agreement, and returning this document (or a copy thereof) to
15 the Board's Executive Director, Respondent may not revoke the acceptance of the
16 Consent Agreement. Respondent may not make any modifications to the document. Any
17 modifications to this original document are ineffective and void unless mutually approved
18 by the parties.

19 8. If the Board does not adopt this Consent Agreement, Respondent will not
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes
21 bias, prejudice, prejudgment or other similar defense.

22 9. This Consent Agreement, once approved and signed, is a public record that will
23 be publicly disseminated as a formal action of the Board and will be reported to the
24 National Practitioner Data Bank and to the Arizona Medical Board's website.
25

1 10. If any part of the Consent Agreement is later declared void or otherwise
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
3 and effect.

4 11. Any violation of this Consent Agreement constitutes unprofessional conduct
5 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
6 probation, consent agreement or stipulation issued or entered into by the board or its
7 executive director under this chapter") and 32-1451.

8
9 
10 CLARENCE E. RODRIGUEZ, M.D.

Dated: 9/4/07

11
12 APPROVED AS TO FORM

13
14 
15 ROBERTO PULVER, ESQ.

Dated: 9/6/2007

FINDINGS OF FACT

1
2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 14409 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-04-1423A on November 22, 2004 after
7 receiving an anonymous complaint alleging that Respondent smelled of alcohol and
8 marijuana while on duty at the hospital.

9 4. During a November 24, 2004 interview with Board Staff and the Board's
10 contracted addiction medicine specialist, Respondent admitted that he had been arrested
11 for and later pled guilty to a DUI committed on July 7, 2004 in Payson, Arizona.

12 5. In the course of the DUI Investigation, Respondent tested positive for
13 marijuana and admitted drinking alcohol while driving.

14 6. Respondent did not report the DUI arrest or plea agreement to the Board as
15 required by law.

16 7. At a meeting on December 2, 2004, the Board reviewed the relevant
17 information and prior substance abuse history, including three previous Board orders for
18 substance abuse treatment. Based on its evaluation of all pertinent facts and law, the
19 Board issued an Interim Order suspending Respondent's license pending a formal
20 hearing.

21 8. Respondent admits to the acts described above and that they constitute
22 unprofessional conduct pursuant to A.R.S. §32-1401(27)(a) ("[v]iolating any federal or
23 state laws, rules or regulations applicable to the practice of medicine."), specifically, A.R.S.
24 §32-3208 ("[a] health professional who has been charged with a misdemeanor involving
25 conduct that may affect patient safety or a felony after receiving or renewing a license or

1 certificate must notify the health professional's regulatory board in writing within ten
2 working days after the charge is filed."); A.R.S. §32-1401(27)(f) ("[h]abitual intemperance
3 in the use of alcohol or habitual substance abuse."); A.R.S. §32-1401(27)(g) ("[u]sing
4 controlled substances except if prescribed by another physician for use during a
5 prescribed course of treatment.") and A.R.S. §32-1401(27)(q) ("[a]ny conduct or practice
6 that is or might be harmful or dangerous to the health of the patient or public.").

7 **CONCLUSIONS OF LAW**

8 1. The Board possesses jurisdiction over the subject matter hereof and over
9 Respondent.

10 2. The Board possesses statutory authority to enter into a consent agreement
11 with a physician and accept the surrender of an active license from a physician who admits
12 to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T) (2).

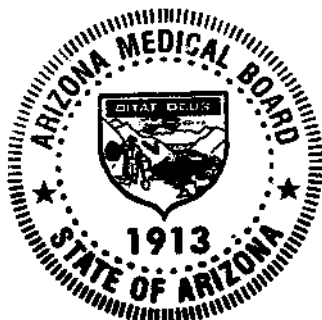
13 **ORDER**

14 IT IS HEREBY ORDERED THAT License Number 14409, issued to Clarence E.
15 Rodriguez, M.D. for the practice of allopathic medicine in the State of Arizona, is
16 surrendered, effective December 2, 2004, and that Clarence E. Rodriguez, M.D.
17 immediately return his wallet card and certificate of licensure to the Board.

18 DATED this 10th day of October, 2007.

19 ARIZONA MEDICAL BOARD

20 (SEAL)



By:

TIMOTHY C. MILLER, J.D.
Executive Director

1 ORIGINAL of the foregoing filed
2 this 10th day of October, 2007 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed
7 this 10th day of October, 2007 to:

8 Roberto Pulver
9 Quarles & Brady Streich Lang
10 One Renaissance Square
11 Two North Central Avenue
12 Phoenix, AZ 85004-2391

13 EXECUTED COPY of the foregoing mailed
14 this 10th day of October, 2007 to:

15 Clarence E. Rodriguez, M.D.
16 Address of Record

17 
18 _____
19 Investigational Review
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23
24
25

Doc#47727